IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20829 of 2004

Between:

Karam Narsimha Rao, S/o. Sri Yerraiah,
R/o. Bodhapuram Village,

Alubaka Post Venkatapuram Mandal,
KHAMMAM DISTRICT.

..... PETITIONER

AND

1 The Indian Oil Corporation Limited,

Vijayawada Divisional Office, GVR Towers, 3rd Floor,
Bharatinagar, Ring Road, VIJAYAWADA - 520008.

Rep., by its Senior Divisional Retail Sales Manager
2 Bodiboina Satyanarayana, S/o. Rajaram,
R/o. Gummedi doddi Village, Vajeed Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ(i) declaring the action of the first respondent in not awarding the retail out let dealership at Venkatapuram Mandal, Khammam district (Serial No. 149) in pursuance of the application of the petitioner and consequential interview held on 28-10-2004 is illegal and arbitrary (ii) declare that treating the second respondent as first rank is illegal and arbitrary and (iii) consequently declare that the petitioner is eligible under Schedule Tribe Category for company owned retail outlet at Venkatapuram Mandal, Khammam district (Serial No. 149).

Counsel for the Petitioner: Mr. B.SHIVA KUMAR

Counsel for the Respondents: Mr. P.V.SANJAY KUMAR

The Court at the admission stage made the following:

ORDER:

This Writ Petition is filed seeking to declare the action of the 1st respondent in not awarding the retail out let dealership at Venkatapuram Mandal, Khammam District (Serial No.149) in pursuance of the application of the petitioner and consequential interview held on 28-10-2004 and treating the 2nd respondent as first rank holder, illegal and arbitrary and consequently to declare the petitioner as eligible under Schedule Tribe Category for company owned retail outlet at Venkatapuram Mandal, Khammam District.

2. Learned counsel appearing for the petitioner contended that the petitioner is having better qualification than the 2nd respondent, but the Selection Committee did not select the petitioner, and therefore, the procedure adopted by the Selection Committee is contrary to the guidelines and hence, the same may be set aside.

3. Learned counsel appearing for the respondents contended that the interviews were conducted by the Selection Committee consisting of three members, duly following the guidelines promulgated by the Ministry of Petroleum and Natural Gas. The 2nd respondent was selected and therefore, in the absence of any procedural lapses, the Writ Petition is not maintainable. The selection for the dealership was made by the duly constituted Selection Committee as per the prescribed norms and guidelines of the Selection Committee consisting of three members. Each member awarded certain marks. Taking the average marks into consideration, the 2nd respondent was selected.

4. The grievance of the Writ Petitioner is that the Selection Committed has to take the following aspects for awarding marks, i.e., 20 marks for personality, business ability for salesmanship, 15 marks for capacity to arrange finance, 20 marks for

educational qualification & general level of intelligence, 35 marks for capability to provide infrastructure and facilities and 10 marks for general assessment.

5. According to the respondents, the said guidelines were not in force because they were superseded by the subsequent guidelines framed by the Ministry of Petroleum and Natural Gas, Government of India. Unless, the petitioner shows that the process of selection is not in accordance with the guidelines, framed by the Ministry of Petroleum and Natural Gas, the same cannot be challenged. It is a collective decision taken by the Selection Committee, consisting of three members. Though the procedure that was adopted by the Selection Committee is not said to be contrary to any of the guidelines issued by the Ministry of Petroleum and Natural Gas, in the absence of any proof of deviation from the Selection Committee, the Writ Petition is devoid of merits. No other allegations have been levelled against the members of the Selection Committee. Therefore, the Writ Petition is devoid of merits.

Accordingly, the Writ Petition is dismissed. In pursuance of the directions given by this Court, learned counsel for the respondents made available all the records and also the summary sheet of marks awarded to each of the persons, who attended the interview. Perused the same and returned to the learned counsel for the respondents.

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(K.C.BHANU,J)

2nd February, 2005.

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To

1 The Senior Divisional Retail Sales Manager,

Indian Oil Corporation,

Vijayawada Divisional Office,

GVR Towers, 3rd Floor,
Bharatinagar, Ring Road,

VIJAYAWADA - 520008.

2 Two CD copies.